



SchoolHouse Connection

Overcoming Homelessness Through Education

Webinar:

Immigrant Students Experiencing Homelessness:
Latest Developments and Resources
October 10, 2017

Question & Answers

Q: How does immigration status relate to compulsory school attendance laws?

A: Immigration status does not affect compulsory school attendance. Any child and youth subject to compulsory attendance must attend school under the conditions of the state law, regardless of immigration status.

Q: On our district enrollment forms, families/students are asked what their country of birth is. Does that violate the Supreme Court ruling you mentioned?

A: No, it does not violate Plyler vs. Doe, as long as it does not result in parents or students being wary or afraid to enroll in school. Many school districts ask about birth country as part of providing services (and receiving federal funds) under the Title III Immigrant Education Program. *Requiring* an answer to that question as a condition of enrollment or receiving services may violate Plyler vs. Doe because it may deter immigrant parents and youth from enrolling in school. And of course this information would be part of the student's educational record and cannot be released without the parent's consent (unless an exception applies under the Family Educational Rights and Privacy Act).

Q: Do partner organizations/supplementary support programs that work within schools have to follow that Supreme Court ruling as well?

A: Plyer v. Doe applies to public schools and public education. Some community or supplemental programs may require legal immigration status or documents and may be unavailable to undocumented students. For example, undocumented students may not be able to access vocational programs that require work

authorization, or driver's education and/or programs that require a driver's license (in states where undocumented individuals cannot get driver's licenses).

Q: I have learned recently that some colleges are asking undocumented high school seniors to fill out the FAFSA. Obviously many undocumented students are hesitant to do this. Is this accurate? Is this safe? Should undocumented seniors fill out FAFSA for the school even though they will not be getting funding support?

A: Colleges may be asking students to complete the FAFSA in order to determine eligibility for state financial aid. In CA, MN, NM, TX and WA, undocumented students are eligible for state aid. Most states use the FAFSA to determine eligibility for state aid, so they may ask students to complete the form for that reason. In addition, some colleges offer institutional aid to undocumented students and may use the FAFSA to determine eligibility for that aid.

In any case, students must have a valid Social Security number to complete the FAFSA. Students should never put false Social Security numbers, for themselves or their parents, on the FAFSA. More information on this topic is available at <https://studentaid.ed.gov/sa/sites/default/files/financial-aid-and-undocumented-students.pdf>.

Q: On the FAFSA, for students with legal status, but whose parents are undocumented, can't the student just leave the parents' Social Security number blank?

A: No. The student should insert all zeros for the parents' Social Security numbers. More information on this topic is available at <https://studentaid.ed.gov/sa/sites/default/files/financial-aid-and-undocumented-students.pdf>.

Q: Earlier in the presentation, it was mentioned that subsidized child care is available to U.S. born children regardless of the mother's status. However, it has been my experience that many undocumented parents are denied subsidized care for their U.S. born children because the parents themselves are undocumented. Could you please elaborate?

A: Child care funded through the Child Care and Development Fund is available to children who are citizens, regardless of the parents' immigration status. "The final rule adds paragraph (c), clarifying that only the citizenship and immigration status of the child, the primary beneficiary of CCDF, is relevant for the purposes of determining eligibility under [the Personal Responsibility and Work Opportunity Reconciliation Act of 1996] and that a Lead Agency, or other administering agency, may not condition eligibility based upon the citizenship or immigration status of the child's parent." This regulation is available at: <https://www.gpo.gov/fdsys/pkg/FR-2016-09-30/pdf/2016-22986.pdf>.

Child care funded under TANF or another program may have requirements related to the parent's immigration status. More information is available at <http://www.clasp.org/sites/default/files/publications/2017/04/Immigrant-Eligibility-for-ECE-Programs.pdf>.

Q: Are recent immigration enforcement actions and ICE raids occurring nationwide or just in a particular area of the country?

A: Raids are occurring in different communities across the country. Immigration advocates attempt to disseminate reliable information about announced raids to those communities, so families can be prepared. However, it is important for all undocumented individuals to be prepared to interact with law enforcement at any time. Resources such as “red cards” (<https://www.ilrc.org/red-cards>) and Know Your Rights flyers (<https://www.ilrc.org/know-your-rights-and-what-immigrant-families-should-do-now>) are important for all families to have and revise.

Q: I keep hearing on the media that there are 800,000 dreamers. Can you explain the discrepancy?

A: 799,077 immigrants currently are protected under the DACA program. However, as DACA recipients' status expires over time, the number will get smaller. There was an October 5, 2017 deadline to reapply to extend DACA status for those with expiration dates prior to March 5, 2018. Currently (since October 5), there is no way to apply for DACA or extend DACA status.

Q: We have been told that the Know Your Rights cards don't help and that they are tossed aside. Is your experience that this is not true?

A: There have been reports of ICE agents and other law enforcement officers ignoring Know Your Rights cards. The most important thing for individuals to remember is that they are not required to answer questions or sign any documents. They can assert their right to remain silent regardless of whether agents toss the Know Your Rights cards aside.

Q: Where can I find family preparedness kits to help families prepare for possible family separation due to immigration raids?

A: Family preparedness plans are available in English, Spanish and Chinese at <https://www.ilrc.org/family-preparedness-plan>.

Q: Is it accurate that schools and churches are safe places and ICE officers will not enter schools or churches?

A: Faith communities sometimes open their doors as “sanctuaries” for undocumented individuals or families. Law enforcement officials sometimes will not

enter houses of worship due to concerns over community outrage or other backlash. However, law enforcement officials, including ICE, who have a warrant can arrest undocumented immigrants regardless of whether they're at a house of worship like a church, synagogue or mosque. The same is true of a public school. However, schools cannot be used for general raids or law enforcement inquiries, as that would violate Plyer v. Doe, by discouraging undocumented immigrants from attending school.

Q: Can we get a copy of the Trump Administration's "Immigration Principles"?

A: Those are available at <http://www.politico.com/f/?id=0000015e-fe3d-dc15-a3fe-ff3d27fb0000>.

Q: Is it true that people seeking immigration status should not utilize social services such as food shelves?

A: No. Most private social services, such as food pantries, are open to anyone, regardless of immigration status. Some public benefits, such as SNAP (food stamps), are only available to "qualified immigrants." (For example, see <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility>)